

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>Improving Public Safety Communications in the 800 MHz Band</b>	)	<b>WT Docket No. 02-55</b>
	)	

**COMMENTS OF MONTGOMERY COUNTY, MARYLAND  
IN SUPPORT OF  
THE PETITION OF THE COUNTY OF FAIRFAX, VIRGINIA,  
FOR WAIVER OF THE PROGRAM COMPLETION DATE**

Montgomery County, Maryland ("Montgomery") submits these comments in support of the Petition of the County of Fairfax, Virginia, ("Fairfax") for Waiver of the Commission's June 26, 2008, Program Completion Date for Rebanding Fairfax County's 800 MHz Channels ("Fairfax County Petition"). The Fairfax County Petition was filed in the above-referenced docket on May 24, 2007.

**BACKGROUND**

Montgomery County is authorized by the Commission under Part 90 of the Commission's Rules to operate an 800 MHz public safety voice radio network under call signs WPVA690 and WPVK244. This system is an eleven-site, twenty-channel trunked radio system that uses twenty frequencies in the National Public Safety Planning Advisory Committee ("NPSPAC") portion of the 800 MHz band. Montgomery is also authorized to operate and does operate other associated radio communications systems under call signs WPVA497, WPWB302, WQCR492, and WNP638. Montgomery must reband these systems pursuant to the Commission's Orders in this proceeding. As

described more fully in the Fairfax County Petition, Montgomery is one of the fourteen 800 MHz licensees in the Washington, D.C., metropolitan area that are interoperable with each other.<sup>1</sup> Over the past 20 years, these fourteen National Capital Region (“NCR”) licensees have built one of the most advanced, most interoperable public safety voice radio environments in the United States. That interoperability will be disrupted unless the rebanding of those systems is coordinated with due care and reasonable planning. Montgomery has worked alongside Fairfax County and the other NCR jurisdictions for over two years to determine how to reband, as required by the Commission’s order in this proceeding, while maintaining the interoperable communications that play a critical role in Montgomery’s day-to-day responsibilities to protect the public and to respond to major incidents, disasters, terrorist attacks, and other large-scale emergencies.

Montgomery is currently planning the rebanding of its system. As part of its planning, Montgomery will likely be including in its Frequency Reconfiguration Agreement (FRA) “retuning cooperation” language similar to that which Fairfax has cited in its Petition. Only by rebanding in the regionally coordinated fashion described in

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<sup>1</sup> These jurisdictions include Fairfax County, Virginia; Arlington County, Virginia; City of Alexandria, Virginia; Prince William County, Virginia; City of Manassas, Virginia; Fauquier County, Virginia; Loudoun County, Virginia; the District of Columbia; Montgomery County, Maryland; Frederick County, Maryland; Charles County, Maryland; Prince George’s County, Maryland; as well as the Metropolitan Washington Airports Authority, and the University of Maryland. They also include a number of independent jurisdictions and other federal, state, and local agencies that are not licensees themselves, but are subscribers on the trunked radio systems of the licensees listed above. In Montgomery County, this includes the cities of Gaithersburg, Rockville, and Takoma Park; the village of Chevy Chase; the Maryland National Capital Park Police; the Maryland State Police; the National Institutes of Health; the National Naval Medical Center; the Naval Surface Warfare Center; the National Institute of Standards and Technology; the Walter Reed Army Hospital Annex; the United States Park Police; and, as occasions require, various other federal law enforcement agencies.

the Fairfax County petition will Montgomery be able to reband its systems without the loss of its vital interoperability with its neighbors.

### **COMMENTS IN SUPPORT OF FAIRFAX COUNTY PETITION**

The Fairfax County Petition sought a waiver of the June 26, 2008, deadline for completion of reconfiguration by licensees that must reband pursuant to 47 C.F.R. § 90.677 and the Commission's Orders in this proceeding. Fairfax County asked the Commission to establish July 29, 2010, as the completion date for reconfiguration of the channels that the County is licensed to operate in the 1-120 channel range and the NPSPAC portion of the 800 MHz band.<sup>2</sup> Fairfax County petitioned only on its own behalf, but it observed that the Commission can act on its own motion and grant a waiver on behalf of all NCR jurisdictions, and Fairfax County urged the Commission to do so.

Montgomery supports the Fairfax County Petition. Montgomery agrees with Fairfax County that the Commission should grant all NCR jurisdictions until July 29, 2010, to complete their retuning activities. The Commission should allow the NCR jurisdictions a further extension if necessary. The Preliminary Master Schedule that was the basis for the Fairfax County Petition includes the rebanding activities of all fourteen of the NCR jurisdictions, including Montgomery. As the Fairfax County Petition explained, that schedule is necessarily imprecise and does not contain all of the detailed tasks required to safely and effectively reband the 800 MHz public safety radio systems in and around the NCR. However, it is the only schedule that currently covers the

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<sup>2</sup> As Fairfax made clear, July 29, 2010, is the date by which Fairfax currently expects it can vacate its 800 MHz 1-120 band channels. Fairfax cannot reband its 800 MHz channels in the NPSPAC band until the 1-120 band channels are vacated. However, Fairfax cannot accurately determine now the dates by which it can vacate its 800 MHz 1-120 band channels. Therefore, Fairfax stated that it will have to request a waiver again once it has more definitive information.

coordinated rebanding of interoperable 800 MHz public safety voice radio networks in the NCR. The final Master Schedule will not be generated until after execution of a Regional Planning and Coordination Agreement between the regional coordinator and Sprint Nextel, and then the execution of a contract between the regional coordinator and Motorola, Inc. As a result, the Preliminary Master Schedule is subject to change depending on how much time is consumed by the regional negotiations, when these contracts are finalized and executed, how and when Motorola can obtain scheduling information from the other NCR licensees, or other factors completely outside the control of Fairfax and Montgomery.<sup>3</sup>

Montgomery's system operates in the NPSPAC portion of the 800 MHz band, and therefore the FCC's extension of the Completion date to July 29, 2010, may not be sufficient time to enable Montgomery to complete its rebanding. However, the FCC's extension of the Completion Date for Fairfax County and for all NCR jurisdictions to July 29, 2010, will allow the NCR jurisdictions to continue the necessary regional coordination. Moreover, it will allow time for the development of the Master Schedule that will more accurately set out the rebanding schedule for the entire NCR.

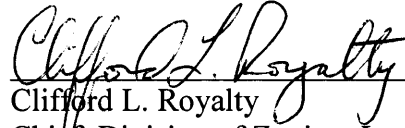
Wherefore, Montgomery County requests that the Commission grant the Fairfax County Petition and extend the program completion date for all of the NCR jurisdictions.

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<sup>3</sup> The Preliminary Master Schedule is based on the assumption that the contract between the regional coordinator and Motorola would be executed more than a month ago, on April 16, 2007. That contract has not yet been executed. Therefore, the deadlines contained in the Preliminary Master Schedule already are at risk.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

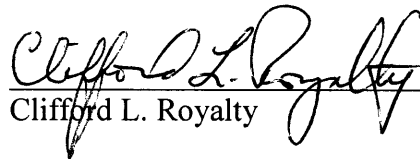
I HEREBY CERTIFY that, on this 12th day of June, 2007, a copy of the foregoing was served electronically upon:

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Dated: June 12, 2007